



U. S. SUPREME COURT DECIDES FAMOUS NEILSON CASE

State of Oregon Loans in Long Controversy

CANNOT INFORCE LAWS

Passed by This State in Conflict With the Laws of Washington

OREGON WINS IN LOWER COURT

Similar Case Was Brought Last Summer to Test Law But in Order to Save Time Neilson Case Was Resurrected From Federal Court.

WASHINGTON, D. C., Feb. 23.—The question whether Oregon laws prohibiting fishing with floating nets extend to the Washington side of the Columbia River was involved in a case of Chris Neilson vs. the State of Oregon, was decided today by the Supreme Court of the United States in favor of Neilson and contrary to Oregon's contention for jurisdiction over the entire stream. The Washington law permits the use of floating nets when the fisherman is provided with a State license. A statement of the case is as follows:

On July 20, 1907, a complaint was filed in the Justice Court for the precinct of Astoria, Clatsop County, Oregon, accusing the plaintiff in error of operating and maintaining a purse-net on the Columbia river on that day, contrary to the statutes of the State of Oregon, and on the same day a warrant was duly issued for his arrest. On July 22, 1907, the plaintiff in error was arraigned before the Justice Court and entered a plea of not guilty. A judgment of conviction was rendered and entered on the same day, and the plaintiff in error was adjudged to pay a fine of \$50. An appeal was perfected to the Circuit Court of the State of Oregon for Clatsop County by the plaintiff in error, and on the 26th day of July, 1907, this cause was tried before the Circuit Court and thereafter a judgment was entered, sustaining the conviction by the Justice Court. Thereafter, and on October 10, 1907, plaintiff in error appealed this case to the Supreme Court of Oregon, in which court the judgment of the lower court was confirmed. From this decision of the Supreme Court, the writ of error is prosecuted.

According to the agreed statement of facts, on July 20, 1907, and for a year prior thereto, Chris Neilson

zen of the United States. A license to operate a purse-net upon the Columbia River within the limits of the State of Washington was duly issued by the Fish Commissioner of Washington on April 10, 1907, for the ensuing year to Neilson, and by virtue of his license he operated such purse-net and actually caught a large number of salmon fish on the 20th day of July, 1907. A purse-net is a floating device operated by floating the same on the waters. In this proceeding, by express stipulation of all the parties, all the laws of the State of Washington relating to the subject of this action are considered as being in evidence in all the courts where this cause may be heard.

According to the statements of counsel, the question involved in this proceeding is the rights of the sovereignty of the State of Washington and Oregon over the Columbia river where the same form the common boundary line between the two

COOPER TAKES STAND IN MURDER TRIAL

APPEARED COOL AND ALMOST DISINTERESTED ON THE STAND.

NASHVILLE, Feb. 23.—Colonel D. B. Cooper, one of the three defendants, was called to testify today in the trial for ex-Senator Carmack's murder, of himself, his son and John D. Sharpe. Although the throng which greeted the deputies when they opened the courtroom today was not as immense as that of yesterday, enough were there to fill the three courtrooms and leave some out.

Defendant Sharpe had resumed the witness chair, but to the surprise of every one the Attorney-General announced:

"The State does not desire to cross-examine Mr. Sharpe any further."

Sharpe started to leave the stand, but was waved back by Judge Meeks, who asked him a few questions on re-direct examination.

"Call Colonel Duncan B. Cooper," said General Washington. Then the old Colonel arose and walked calmly to the stand.

Colonel Cooper is short, heavy set and very florid. He is somewhat bald, but what hair he has, like his mustache, is very white. His eyes are clear and his face is free from wrinkles. As he began to talk his two daughters leaned forward and drank in every word. The Colonel said he was 64 years of age and that he has three sons and two daughters.

General Washington had the witness give his war record with Forrest.

The State finally objected after some recital and was sustained. "I met Senator Carmack years ago at Columbia, when he was quite young. I brought him to Nashville as editor of the American and he remained with me until 1892, when he went to Memphis."

When court adjourned Colonel Cooper was still on the witness stand. The defendant appeared cool and almost disinterested. The only time he showed any emotion was when the lawyers were reading the editorial which led up to the killing.

ALIEN AND STARVING.

CHICAGO, Feb. 23.—Samuel Wyman, 19 years old, is being cared for by the police to whom he applied for food and shelter, after being without food for three days.

In 1904, says Wyman, his father was editor of a small paper in Odessa during the anti-Jewish riots. Soldiers raided the place, killed his father and had two young women sent to Siberia, while Wyman and his mother fled across the border. Recently he has been in Cleveland but work failing there, he came to Chicago.

THE FOOL AND HIS JOKE.

CHICAGO, Feb. 23.—An obituary, inserted either through malice or as a joke in Chicago newspapers, has caused much annoyance to H. A. Holden and his family of wife and 11 children. The notice, alleging that Mr. Holden had died February 20 and that the funeral notice would appear later, has brought many friends and relatives to his house. This is the second "hoax" advertisement to appear within 48 hours, the first being a call for dogs which brought together so large a mob that the police were compelled to disperse it.

SENSIBLE PROPOSITION.

WASHINGTON, D. C., Feb. 23.—A bill to amend the postal laws so that publications of indecent or immoral character, notices giving information how such publications may be obtained or communications threatening assault, arson, murder, or assassination, will be declared unlawful, has been introduced by Representative Garrett of Tennessee. The measure provides that a fine of \$500 or imprisonment for five years, or both, shall be the penalty for such offenses.

"HUMAN LETTERS" DISPATCHED BY MAIL

WOMAN SUFFRAGISTS SEND TWO OF THEIR NUMBER THROUGH POSTOFFICE.

LONDON, Feb. 23.—"Human Letters" were dispatched to Premier Asquith this afternoon by inventive woman suffragists. Mrs. Drummond and Mrs. Parkhurst went to Strand postoffice and asked if it was possible to express "human letters." Answered in affirmative they went out and brought in two of their colleagues, Mrs. McLellan and Miss Solomon and addressed them to the Premier's residence. The two women were at once dispatched by a special messenger. The servants at the Premier's residence refused to accept the delivery of the suffragist mail and the police quickly cleared the women out of the district.

MYSTERIOUS MALADY.

LOS ANGELES, Feb. 23.—Miss Emma D. Aschmann died yesterday at the Crocker Hospital. Her disease has been a great puzzle to the doctors, nine of whom had been called into consultation. At first it was thought Miss Aschmann was suffering from smallpox, but later it was decided to be a case of erythema multiforme, a rare disease that resembles smallpox but is non-contagious. Miss Aschmann had been ill a year and a half, the latter stage of the disease developing only about two weeks ago.

TWO KILLED IN CAVE-IN

Nine Men Still Entombed in Tunnel

ON A. Y. P. E. GROUNDS

Relays of Men are Driving two Shafts to Reach Imprisoned Men

BURIED BENEATH 700 TONS

A Two-Inch Pipe Has Been Driven to the Cavity Occupied by the Men and Electric Light, Food and Water is Passed Them.

SEATTLE, Feb. 23.—Feb. 23.—A cave-in occurred this morning in a tunnel which was being driven for the Northern trunk sewer on the Aaska-Yukon grounds, and buried beneath 700 tons of earth 11 men, two of whom were crushed to death, while nine are entombed in the tunnel beyond the cave-in. The dead are August Stangle and Duncan Robertson. The entombed men are in a clear space in the tunnel, 12 feet in diameter and 42 feet long. A two-inch pipe was driven into the cavity through which electric light wires, food and water were passed. The entombed men are cheerful and have no fear of a further cave-in. John D. Harrington, an expert miner, who is one of the entombed men, when asked if he wished to send any message, replied: "Tell my wife I am working double shift today and won't be home until tomorrow." Delays of men are driving a drift through the cave-in while other gangs are driving a shaft from the surface. It is 34 feet from the ground to the roof of the tunnel. The cave-in is presumably caused by sinking of one of the vertical timbers which formed a part of the bracing. The accident occurred on the Green Lake section of the sewer.

EARTHQUAKE SHOCK.

CONSTANTINO, Algeria, Feb. 23.—An earthquake took place today, accompanied by subterranean rumblings. It lasted several seconds.

CHARGED WITH PERJURY.

NEW YORK, Feb. 23.—Charged with attempted subordination of perjury in the Gould divorce case, Mrs. Margaret Teal, wife of Ben Teal, a theatrical producer, was placed on trial today. Mrs. Teal indicated with Mrs. Julia Fleming and Harry S. Mosley, a private detective, on the allegation that they attempted to bribe Mabel McCausland to give perjured testimony against Frank J. Gould.

CRETIC IN DANGER.

White Star Liner With 1000 Passengers Aboard on Reef.

BOSTON, Feb. 24.—After floundering in the mud off Fort Warren on George's Island, in the outer harbor, the White Star steamer Cretic, inbound with nearly 1000 passengers from Mediterranean ports, brought up on Centurian ledge, at 11:30 last night and apparently is in a dangerous position at an early hour this morning.

Later—Five tugs pulled the Cretic into deep water at 1:15 this morning. She is not seriously damaged.

HERRICK NOT SLATED.

Ex-Governor Will Not be Secretary of the Treasury Under Taft.

NEW YORK, Feb. 23.—Former Governor Herrick will not be secretary of the treasury in Taft's cabinet. In a statement issued by Judge Taft today after a conference with Herrick it is stated that in December Herrick told Taft he would not be able to accept the position because his business engagements prevented. The elimination of Herrick seems to put Franklin McVesagh of Chicago, in the lead for the place, but Taft said it would be several days before the matter would be settled. Taft was the principal speaker tonight at Carnegie Hall in the interest of Hampton Institute. Taft was escorted to the platform by Booker Washington. The address was devoted to solving the race problem.

AN INDIAN PROTEST.

WASHINGTON, D. C., Feb. 23.—On behalf of the Choctaw and Chickasaw Indians, Senator Owen of Oklahoma, has presented to the Senate a petition from the general council of those tribes, protesting against the reopening of their citizenship rolls. The petition is a review of all the efforts that have been made to establish correct citizenship rolls up to the time of the action by the Choctaw and Chickasaw Citizenship Court by which only about 150 out of more than 3000 applicants, which had been favorably passed upon by the district courts, were largely fraudulent and the petition declared that many of them were admitted on testimony presented before masters of the courts, who were attorneys for the claimants.

FOR BETTER RAILS.

Scientific Work To Guard Against Danger From Broken Steel.

CHICAGO, Feb. 23.—At the annual meeting of the American Railway Engineering and Maintenance of Way Association, which will be held here March 16, 17 and 18, a committee of experts will recommend radical changes in the specifications for the manufacture of steel rails. The committee was given the subject for investigation months ago. It is understood that it will recommend what is known as the drop test and will present specifications for a drop testing machine. The members have made an exhaustive research into the causes of broken rails and it is understood to be their opinion that the manufacturers should be made to furnish a rail that will stand scientific tests.

BEAR TWIN NAMES.

CHICAGO, Feb. 23.—Owing to the fact that there are two men of the name of Jacob H. Marks who are candidates for the primaries, sample ballots have been sent by the county committee to every voter in the city, giving the respective addresses of the two contestants. These, however, do not appear on the official ballot. The election commissioners have issued special instructions to judges and clerks of election regarding counting of the votes for the Marks in order that there may be no confusion.

BRINGS NEWS OF WRECK.

SAN FRANCISCO, Feb. 23.—The fishing schooner John D. Spreckles now in this harbor brings news of the sinking of the schooner Volcano in the bay of Sanak. The schooner was sunk by the weight of the ice which accumulated on its sides while it was lying at anchor in the harbor. As the boat plunged at its moorings, the icy spray was flung against its side, were frozen solid, and in time became so heavy that the vessel sank. On the John D. Spreckles the ice formed three feet thick and in a gale it broke loose from the after end. The weight forward carried that end down and for two days the vessel was bows under.

NEGRO SOLDIERS OF BROWNSVILLE RIOT MAY RE-ENLIST

STAND FOR IT.

CHICAGO, Feb. 23.—Members of the Rural Delivery Carriers Association, Branch No. 37 have declared in favor of a parcels post. "If this plan goes through, said T. W. Foster, president of the Association, 'it will of course make our burdens that much more and will give us more pay. The increase in salary is what induces us to foster the plan.'"

TORNADO IN ARKANSAS.

MARKED TREE, Ark., Feb. 23.—Thirteen persons were killed, more than a score seriously injured, several seriously and virtually every house in the town of Fisher were wrecked by a tornado today. The wires are down and information was received by a messenger. Floods prevented a relief party from here reaching Fisher.

WASHINGTON LEGISLATURE STILL AT IT

ONE HUNDRED AND 10 BILLS INTRODUCED IN HOUSE YESTERDAY.

OLYMPIA, Feb. 23.—The House bill providing for the appointment of a commission to sell the State capital land grant, pay off its indebtedness and use the surplus to erect a million-dollar capital passed the House this afternoon. The Senate killed the bill prohibiting the feeding of water fowl on lands not open to the public. The Senate passed the House bill creating a police pension relief fund. A similar bill for the benefit of firemen passed the Senate today, but it has not yet passed the House. One hundred and ten bills were introduced today. They include measure providing for prohibition; repeal anti-cigarette law; repeal Sunday closing law; pensioning retired supreme court justices; prohibiting selling liquor to Indians of mixed blood; permitting the organization of fraternal military companies into a branch of the national State guard; prohibiting killing of deer until 1913 and making it unlawful to advertise spirituous or malt liquors.

WON THE MARATHON.

LOS ANGELES, Feb. 23.—F. M. Low, was the winner of the indoor Marathon race over the regulation distance at the Shriner auditorium here yesterday. The race was held under the auspices of the Los Angeles Athletic Club. Low's time was 3:31:52. He finished strong and many laps ahead of his nearest competitor. Charles Boscha was second.

SENATE COMMITTEE REPORT FAVORABLY

Young Will be Confirmed as Postmaster of Portland if No Further Objection Develops

WASHINGTON, D. C., Feb. 23.—which recognizes the custom that a The nomination of John C. Young Senator may name the postmaster in to be postmaster at Portland, Or., his own home city. Added force to the rule came through the fact that Bourne is a member of the postoffice committee. Senator Fulton is noncommittal regarding the committee's action and will not indicate the course he will follow. It is believed that he will endeavor to prevent Young's confirmation. The fight, however is now before the Senate.

GAMBLING CASE REACHES DECISION

Cities in Oregon Have no Right to License Gambling Under City Charters

SALEM, Or., Feb. 23.—In his first opinions rendered since he became a full-fledged Justice of the Supreme Court, Justice W. R. King was the author today of six decisions, in which the decrees of Judge Hamilton, of the circuit court for Coos county, are upheld in the conviction of W. H. Short, Charles Bay, W. T. Cook, David Clink, Frank Gardner, John Naahberg and William Ferry of gambling under section 1944 of the

code. The sole question of law involved was whether the act of the Legislature of 1903, granting the city of North Bend Coos County, the regulation and control of gambling within its corporate limits, repeals by implication or otherwise the statutory provision and the effect of the decree of the Appellate Court, is that it does not, since the offense was recognized at common law and a city charter does not affect the general laws upon the subject.